



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/528,678

03/21/2005

David A. Bell

GB 020155

4638

24737

7590

09/11/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SHIFERAW, ELENI A

ART UNIT

PAPER NUMBER

2436

MAIL DATE

DELIVERY MODE

09/11/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/528,678	<b>Applicant(s)</b> BELL, DAVID A.	
	<b>Examiner</b> ELENI A. SHIFERAW	<b>Art Unit</b> 2436	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***DETAILED ACTION***

1. In view of the Appeal Brief filed on 06/08/2009, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2436

2. Claims 1-10, 12 and 14-20 are pending.

***Response to Amendment***

3. The 112 rejection made on 11/13/2008 is withdrawn in view of applicant's amendment.

Art Unit: 2436

4. The Office tried to reach the applicant's undersigned attorney, Dan Piotrowski, at 914 333 9624, and left messages multiple times but never got back to the office. The examiner called to expedite the processes and move the case forward. The Office herein generates New Grounds of rejection as disclosed below.

### ***Response to Arguments***

5. Applicant's arguments, on the appeal brief, with respect to claims 1-10, 12, and 14-20 have been fully considered but are moot in view of the new ground(s) of rejection.

### ***Specification***

5. Applicant is objected to for proper language: The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided.

In line 10 of the resubmitted abstract on 8/8/08 "control means" should be corrected.

***Claim Objections***

6. Claim 1 is objected to: in line 2-3 wherein said “a target person” should be changed to “said target person” for proper antecedent basis and/or to refer to line 2 of claim 1.
7. Claim 4 is objected to: in lines 2-3 wherein said “a wireless communication channel” should be changed to “said wireless communication channel” for proper antecedent basis.
8. Claim 6 is objected to: in line 1 wherein “The portable electronic device” lack antecedent basis.
9. Claim 6 is objected to: “The portable electronic device...” of claim 6 should not be dependent on “An apparatus ...” claim 1. It is suggested that claim 6 is corrected as follows: “The apparatus of claim 1 wherein said portable device is portable electronic device comprising the image acquisition device, output device and control means integrated into said portable device.” or other appropriate correction is required.
10. Claim 10 is objected to: in line 3 wherein said “a target person” should be changed to “the target person” for proper antecedent basis.
11. Claim 10 is objected to: in line 13 wherein said “a candidate person” should be changed to “said candidate person” for proper antecedent basis.
12. Claim 12 is objected to: “A personal digital assistant...” claim should not be dependent on “A portable device ...” claim 1. It is suggested that the claim is re-written as follows: “The portable device of claim 10 comprising a personal digital assistant,

Art Unit: 2436

personal computer or mobile telephony device having integrated into the portable device”  
or other appropriate correction is required.

13. Claim 14 is objected to: in line 7 wherein “a target person” lack antecedent basis.

14. Claim 15 is objected to: in line 3 wherein “a target person” lack antecedent basis  
and should be changed to “said target person” for proper antecedent basis.

15. Claim 15 is objected to: in the last line of the claim wherein "a candidate person"  
should be changed to "said candidate person" for proper antecedent basis.

16. Claim 17 is objected to: in line 1 wherein “the step of outputting” lack antecedent  
basis and should be changed to “step of said outputting” for proper antecedent basis.

17. Claim 19 is objected to: in line 2 the terminology “having” should be changed to  
“storing”

***Claim Rejections - 35 USC § 101***

18. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of  
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the  
conditions and requirements of this title.

Claim 20 is rejected under 35 U.S.C. 101 because the claimed invention is  
directed to non-statutory subject matter. The claim is not statutory because: “A computer  
program, distributable by electronic data transmission” is interpreted as the computer  
program distributable by a propagating media like transmission e.g. internet, signal,  
carrier wave or any transmission link. As such the claim is not statutory. Appropriate  
correction is corrected.

***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-3, 6-7, 9-10, 12, 14-15 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang USPN 6038333 in view of Sheridan USPN 5760917 and Aggarwal et al. USPN 6886000 B1.**

**As to claim 1**, Wang discloses apparatus for obtaining personal information related to a target person (**see fig. 2**), comprising:

a user device comprising an image acquisition device for capturing an image of a target person (**see figs. 2-3B**);

a database of stored image data items each relating to one of a plurality of candidate persons, each image data item being associated with stored personal data relating to the respective candidate person (**see col. 4 lines 54-67, col. 2 lines 20-55 and col. 3 lines 53-55**);

a search engine for matching the captured image of the target person to a candidate person image data item and retrieving the personal data relating thereto, an output device for presenting, to a user, the personal data relating to the target person (**col. lines 20-55 and col. 3 lines 53-55**).

Wang does not explicitly teach control means, operable by each candidate person, to control third party access to the stored personal data relating to the candidate person.

However, Sheridan discloses and control means, operable by each candidate person, to control third party access to the stored personal data relating to the candidate person **(Sheridan column 2, lines 45-52; controlled image data or personal image data)**.

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Sheridan because to allow the candidate person to have control over who has access to their personal information will increase the chances that their identity will not be stolen, that they would not receive unwanted solicitation, etc **(Sheridan column 2, lines 45-52)**.

The combination of Wang and Sheridan fail to disclose wherein the search is limited to candidate person image data items that relate to further user devices that are in the same geographical area as the user device.

However Aggarwal et al. discloses a method of an on-line negotiations with dynamic profiling **(see col. 2 lines 21-24)**. An online profile is generated when each customer is visiting an e-commerce site the first time by capturing information of the customer that includes **facial picture**, speech, body expression and etc. **(see col. 4 lines 31-43 and col. 3 lines 39-54)** and **geographical area (see col. 2 lines 32-38)**. The customer uses telephone or cellular phone or any other wired or wireless devices to negotiate and capture his information **(see col. 51-62)**. Data is retrieved in response to query by image **(see col. 7 lines 26-32)** and profile data base is searched by search engine and the database search is based on/limited to customer's facial image that relates to the



Art Unit: 2436

customers devices (cellular telephone) used to capture the customer's information that are the same geographical area as the customer's device (**see col. 7 lines 37-col. 8 lines 8 and see figs. 5-8**) that reads on wherein the search is limited to candidate person image data items that relate to further user devices that are in the same geographical area as the user device.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the time of the invention was made to modify the teachings of Aggarwal et al. within the system of Wang because they are analogous in image data capturing and searching. One would have been motivated to modify the teachings for faster retrieval and enhance the systems performance.

**As to claim 10**, Wang discloses a portable device for obtaining personal information related to a target person (**see fig. 2**), comprising:

an image acquisition device for capturing an image of a target person (**see figs. 2-3B**);

means for accessing a remote database of stored image data items each of relating to one of a plurality of candidate persons, each image data item being associated with personal data relating to the respective candidate person (**see col. 4 lines 54-67, col. 2 lines 20-55 and col. 3 lines 53-55**);

means for retrieving the personal data relating to a candidate person for which the captured image data of the target person matches the stored image data item of the candidate person; an output device for presenting, to a user, the retrieved personal data relating to the target person (**col. lines 20-55 and col. 3 lines 53-55**).

Wang does not explicitly teach control means to control third party access to the database of personal data relating to a candidate person; wherein the means for accessing and the means for retrieving include a wireless communication device that is adapted to communicate with a plurality of further portable devices.

However, Sheridan discloses control means to control third party access to the database of personal data relating to a candidate person (**Sheridan col. 2 lines 45-52; controlled image data or personal image data**); and wherein the means for accessing and the means for retrieving include a wireless communication device (**Sheridan col. 3 lines 38-50; non-wired links ... non-wired link devices**) that is adapted to communicate with a plurality of further portable devices (**Sheridan column 3, lines 42-50 and column 9, lines 1-8; stored image set signal is communicated to plurality of terminals 40A-40n... non-wired link**).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Sheridan because to allow the candidate person to have control over who has access to their personal information will increase the chances that their identity will not be stolen, that they would not receive unwanted solicitation, etc (**Sheridan column 2, lines 45-52**) and to allow the portable device communicate with other devices would increase the potential size of the data items stored (**Sheridan column 3, lines 38-50 and column 9, lines 1-8**).

The examiner understands that the stored image set communicated to plurality of devices of Sheridan disclosed on (**col. 3 lines 38-50 and column 9 lines 1-8**) is a database comprising image set that is formed for the plurality of devices. However the applicant argues that the further portable devices together forming the remote database is

Art Unit: 2436

not disclosed in any of the applied references and the examiner herein provides Aggarwal et al. see below. Further, the combination of Wang and Sheridan fail to disclose wherein the range of the wireless communication device limits the further portable devices that form the remote database to the geographical area of the portable device.

However Aggarwal et al. teaches customer's cellular telephones capturing the customer's facial images, speech and other data as a profile in a wireless communication (see col. 7 lines 51-62) and storing in a dynamic customer profiles various customers profiles (**see col. 4 lines 58-61**). Further Aggarwal et al. discloses a method of an on-line when each customer is visiting an e-commerce site the first time by capturing information of the customer that includes **facial picture**, speech, body expression and etc. (**see col. 4 lines 31-43 and col. 3 lines 39-54**) and **geographical area** (**see col. 2 lines 32-38**). The customer uses telephone or cellular phone or any other wired or wireless devices to negotiate and capture his information (**see col. 51-62**). Data is retrieved in response to query by image (**see col. 7 lines 26-32**) and profile data base is searched by search engine and the database search is based on/limited to the cellular telephone according to the geographical area that various customers profiles are stored in a dynamic customer profiles database (**see col. 7 lines 37-col. 8 lines 8, figs. 5-8 and col. 4 lines 58-61**) that reads on wherein the range of the wireless communication device limits the further portable devices that form the remote database to the geographical area of the portable device.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the time of the invention was made to modify the teachings of Aggarwal et al. within the system of Wang because they are analogous in image data capturing and searching.

Art Unit: 2436

One would have been motivated to modify the teachings for faster retrieval and enhance the systems performance.

**As to claim 14**, Wang discloses a system for providing personal information related to a target person **(see fig. 2)**, comprising:

a database of stored image data items each relating to one of a plurality of candidate persons, each image data item being associated with personal data relating to the respective candidate person **(see col. 4 lines 54-67, col. 2 lines 20-55 and col. 3 lines 53-55)**;

means for receiving, from a remote user device including an image acquisition device, a captured image of a target person; a search engine for matching the captured image of the target person to a candidate person image data item and retrieving the personal data relating thereto, means for transmitting, to a remote output device, the personal data relating to the target person **(col. lines 20-55 and col. 3 lines 53-55 and figs. 2-3B)**.

Wang does not explicitly teach control means, operable by each candidate person, to control third party access to the stored personal data relating to the candidate person.

However, Sheridan discloses control means, operable by each candidate person, to control third party access to the stored personal data relating to the candidate person **(Sheridan column 2, lines 45-52)**.

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Sheridan because to allow the candidate person to have control over who has access to their personal information will increase the chances that

Art Unit: 2436

their identity will not be stolen, that they would not receive unwanted solicitation, etc  
**(Sheridan column 2, lines 45-52).**

The combination of Wang and Sheridan fail to disclose wherein the search is limited to candidate person image data items that relate to further user devices that are in the same geographical area as the remote user device.

However Aggarwal et al. discloses a method of an on-line negotiations with dynamic profiling **(see col. 2 lines 21-24)**. An online profile is generated when each customer is visiting an e-commerce site the first time by capturing information of the customer that includes **facial picture**, speech, body expression and etc. **(see col. 4 lines 31-43 and col. 3 lines 39-54)** and **geographical area (see col. 2 lines 32-38)**. The customer uses telephone or cellular phone or any other wired or wireless devices to negotiate and capture his information **(see col. 51-62)**. Data is retrieved in response to query by image **(see col. 7 lines 26-32)** and profile data base is searched by search engine and the database search is based on/limited to customer's facial image that relates to the customers devices/cellular telephone used to capture the customer's information that are the same geographical area as the customer's device **(see col. 7 lines 37-col. 8 lines 8 and see figs. 5-8)** that reads on wherein the search is limited to candidate person image data items that relate to further user devices that are in the same geographical area as the remote user device.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the time of the invention was made to modify the teachings of Aggarwal et al. within the system of Wang because they are analogous in image data capturing and searching.

Art Unit: 2436

One would have been motivated to modify the teachings for faster retrieval and enhance the systems performance.

**As to claim 15**, Wang discloses a method of obtaining information related to a target person (**see fig. 2**), comprising the steps of:

capturing an image of a target person, the image captured by a user device including an image acquisition device (**see figs. 2-3B**);

supplying image data from the captured image to a database of stored image data items each relating to one of a plurality of candidate persons, each image data item being associated with personal data relating to the respective candidate person (**see col. 4 lines 54-67, col. 2 lines 20-55 and col. 3 lines 53-55**); searching the database to match the captured image of the target person with a candidate person image data item and retrieving the personal data relating thereto; outputting the personal data relating to the target person (**col. lines 20-55 and col. 3 lines 53-55**).

Wang does not explicitly teach maintaining the database by enabling control, by each candidate person, of third party access to the personal data relating to that candidate person;

However, Sheridan discloses maintaining the database by enabling control, by each candidate person, of third party access to the personal data relating to that candidate person (**Sheridan column 2, lines 45-52**).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Sheridan because to allow the candidate person to have control over who has access to their personal information will increase the chances that

Art Unit: 2436

their identity will not be stolen, that they would not receive unwanted solicitation, etc  
**(Sheridan column 2, lines 45-52).**

The combination of Wang and Sheridan fail to disclose wherein the search is limited to candidate person image data items that relate to further user devices that are in the same geographical area as the user device.

However Aggarwal et al. discloses a method of an on-line negotiations with dynamic profiling **(see col. 2 lines 21-24)**. An online profile is generated when each customer is visiting an e-commerce site the first time by capturing information of the customer that includes **facial picture**, speech, body expression and etc. **(see col. 4 lines 31-43 and col. 3 lines 39-54)** and **geographical area (see col. 2 lines 32-38)**. The customer uses telephone or cellular phone or any other wired or wireless devices to negotiate and capture his information **(see col. 51-62)**. Data is retrieved in response to query by image **(see col. 7 lines 26-32)** and profile data base is searched by search engine and the database search is based on/limited to customer's facial image that relates to the customers devices used to capture the customer's information that are the same geographical area as the customer's device **(see col. 7 lines 37-col. 8 lines 8 and see figs. 5-8)** that reads on wherein the search is limited to candidate person image data items that relate to further user devices that are in the same geographical area as the user device.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the time of the invention was made to modify the teachings of Aggarwal et al. within the system of Wang because they are analogous in image data capturing and searching. One would have been motivated to modify the teachings for faster retrieval and enhance the systems performance.

**As to claim 2**, the combination teaches the apparatus in which the database is a distributed database, the candidate persons each having a portable device for storing their own image data items and personal data which may be accessed by the search engine using a wireless communication channel (Sheridan column 3, lines 42-50 and column 9, lines 1-8 and Aggarwal et al. col. 4 lines 58-61). The rationale for combining is the same as claim 1 above.

**As to claim 3**, the combination discloses in which the control means comprises an access control function provided on each portable device (Sheridan column 2, lines 24-30). It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine the references because the portable device can be searched by a search engine having an access control means on each device would allow the candidate person to have control over who has access to their personal information and will increase the chances that their identity will not be stolen, that they would not receive unwanted solicitation, etc (**Sheridan column 2, lines 24-30**).

**As to claim 6**, Wang discloses a portable electronic device comprising the image acquisition device, output device and control means of claim 1 integrated into said portable electronic device (**Wang column 8, lines 6-18**).

**As to claim 7**, Wang discloses the apparatus of claim 6 in which the portable electronic device is any of a personal digital assistant, personal computer or mobile telephony device (**Wang column 4, lines 1-10**).



**As to claim 9**, Wang discloses the apparatus of claim 1 in which the output device is a display device for displaying the personal data relating to the target person (**Wang column 8, lines 19-31**).

**As to claim 12**, Wang discloses a personal digital assistant, personal computer or mobile telephony device having integrated therein the portable device of claim 10 (**Wang column 4, lines 1-10**).

**As to claim 19**, Wang discloses a computer program product, comprising a computer readable medium having thereon computer program code means adapted, when said program is loaded onto a computing apparatus, to make the computing apparatus form the device of claim 10 (**Wang column 4, lines 1-10**).

**As to claim 20**, Wang discloses a computer program, distributable by electronic data transmission, comprising computer program code means adapted, when said program is loaded onto a computing apparatus, to make the computing apparatus form the device of claim 10 (**Wang column 4, lines 1-10**).

**20. Claims 4, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang USPN 6038333, Sheridan USPN 5760917 and Aggarwal et al. USPN 6886000 B1 and further in view of Wang2 USPN 6035055.**

**As to claim 4**, the modified Wang discloses the apparatus of claim 1. The modified Wang does not explicitly teach in which the database includes a central repository accessible to a plurality of remote portable devices using a wireless communication channel.

However, Wang2 discloses in which the database includes a central repository accessible to a plurality of remote portable devices using a wireless communication channel (**Wang2 column 5, lines 7-14**).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang2 because the speed for accessing the data in the database is greatly increased when it is centralized (**Wang2 column 5, lines 7-14**).

**As to claim 5**, Sheridan further discloses teach in which the control means is a distributed control means, the candidate persons each having a device for storing their own image data items and personal data onto the database and determining third party access rights thereto (**Sheridan column 2, lines 59-65**).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Sheridan because having the control means distributed would further enhance the security of the personal data by keeping access control on data that was not on the portable device (**Sheridan column 2, lines 59-65**).

**As to claim 8**, the modified Wang discloses the apparatus of claim 6. The modified Wang does not explicitly teach in which the portable electronic device further includes communication means for communication with a remotely located database and the search engine.

However, Wang2 discloses in which the portable electronic device further includes communication means for communication with a remotely located database and the search engine (**Wang2 column 5, lines 7-31**).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang2 because to allow the portable electronic device to

Art Unit: 2436

communicate with the remote database would increase the number of images from which a comparison can be made (**Wang2 column 5, lines 7-31**).

**21. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang USPN 6038333 in view of Sheridan USPN 5760917 and Aggarwal et al. USPN 6886000 B1. and further in view of Willins USPN 6990587.**

As to **claim 16**, the modified Wang the method according to claim 15. The modified Wang does not explicitly teach and further comprising of the step of attaching a digital signature to said supplied image data.

However, Willins discloses and further comprising of the step of attaching a digital signature to said supplied image data (**Willins column 7, lines 4-24**).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Willins because adding a digital signature or encrypting the data increases the security of the data (**Willins column 7, lines 4-24**).

As to **claim 17**, the modified Wang discloses the method according to claim 16. The modified Wang does not explicitly teach wherein the step of outputting the personal data will not occur unless the attached digital signature is established to be valid and authentic.

However, Willins discloses wherein the step of outputting the personal data will not occur unless the attached digital signature is established to be valid and authentic (**Willins column 7, lines 25-37**).

Art Unit: 2436

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Willins because to require that the signature be valid ensures that the data is coming from the right place (**Willins column 7, lines 25-37**).

**As to claim 18**, the modified Wang discloses the method according to claim 15. The modified Wang does not explicitly teach wherein said step of outputting personal data involves outputting encrypted personal data.

However, Willins discloses wherein said step of outputting personal data involves outputting encrypted personal data (**Willins column 5, lines 48-67**).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Willins because keeping the data encrypted during transmission increases the security of the transaction (**Willins column 5, lines 48-67**).

### ***Conclusion***

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELENI A. SHIFERAW whose telephone number is (571)272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2436

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2436

/Eleni A Shiferaw/

Examiner, Art Unit 2436